

## AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 12, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-13201 - APPLICANT: MALCO ENTERPRISES NEVADA, INC - OWNER: J & L PROPERTY LEASING, LLC

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### **\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend DENIAL.

#### *Planning and Development*

1. Approval of and conformance to the Conditions of Approval for (Z-0051-95) and (ROC 7652), Special Use Permit (SUP-7649) and Site Development Plan Review (SDR-7647) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

#### *Public Works*

3. The freestanding sign shall not be located within the public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.
4. Site development to comply with all applicable conditions of approval for Z-51-95, Z-1-97 and all other subsequent site-related actions.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is an appeal filed by the applicant from the denial by the Planning Commission of an application for a Variance to allow a 55 foot freestanding sign where 40 feet is the maximum height allowed on 2.55 acres at 5600 West Sahara Avenue.

**EXECUTIVE SUMMARY**

The proposed World Kia 55-foot freestanding sign exceeds the maximum allowed sign height by 15 feet. The sign is out of scale, not harmonious with the commercial development in which it is located and will contribute to the degradation of the Sahara Avenue commercial corridor. An alternative sign design can be utilized. Therefore, the hardship is self-created and denial is recommended.

**BACKGROUND INFORMATION**

***A) Related Actions***

- |          |  |
|----------|--|
| 08/02/95 | The City Council approved a request to amend (GPA-0033-95) the Southwest Sector General Plan designation of the south portion of this property from SC (Service Commercial) to GC (General Commercial). The Planning Commission recommended denial and staff recommended approval. |
| 08/02/95 | The City Council approved a request to rezone (Z-0051-95) the south portion of this property from N-U (Non-Urban) to C-2 (General Commercial). The Planning Commission recommended denial and staff recommended approval.  |
| 05/03/96 | Building permits (C-64-96) for a car dealership were issued by Building and Safety.  |
| 03/10/97 | The City Council approved a request to amend (GPA-1-97) the Southwest Sector General Plan designation of the north portion of this property from DR (Desert Rural Density Residential) to GC (General Commercial). The Planning Commission and staff recommended approval.         |
| 03/10/97 | The City Council approved a request to rezone (Z-0001-97) the north portion of this property from R-E (Residence Estates) to C-2 (General Commercial). The Planning Commission and staff recommended approval.   |

- 04/08/97 Per a letter from Planning & Development Department staff, relief was granted from conditions of approval of Z-0051-95 requiring an eight-foot decorative wall with a 10-foot landscape planter along the north property line of APN 163-01-404-021 due to the planned expansion of the auto dealership to include additional parking.
- 10/13/97 The City Council approved a request for a Special Use Permit (U-0073-97) on property located at 5600 West Sahara Avenue for automobile & truck rentals in conjunction with an existing used car dealership, R-E (Residence Estates) & U (Undeveloped) zone, GC (General Commercial) General Plan designation, under Resolution of Intent to C-2 (General Commercial). The Planning Commission and staff recommended approval.
- 11/23/97 The City Council approved a One Year Required Review [U-0073-97(1)] of an approved Special Use Permit (U-0073-97), which allowed automobile and truck rentals in conjunction with an existing used car dealership on the subject property. No further reviews were required.
- 09/08/05 The Planning Commission approved a Variance (VAR-8348) for a 55 foot sign where 40 feet is the maximum height allowed located at 5550 W. Sahara, Towbin Hummer. This application is not a part of the current 55 foot freestanding sign application; however, it is adjacent to the subject parcel to the east.
- 09/21/05 The City Council approved a Request (ROC-7652) for a Review of Condition Number 6 of an approved Rezoning (Z-0051-95) to allow 7,438 square feet of office/showroom space where 6,000 square feet was required and a two story, 22,195 square foot service facility where an 11,000 square foot building was allowed on 2.55 acres at 5650 West Sahara Avenue.
- 11/16/05 The City Council approved a Site Development Plan (SDR-7647) Review for a proposed 18,975 square foot auto repair garage, minor addition to an existing motor vehicle sales building and waivers of the perimeter, foundation and parking lot landscaping requirements on 3.41 acres at 5650 West Sahara Avenue.
- 11/16/05 The City Council approved a Special Use Permit (SUP-7649) for an auto repair garage, minor, and a waiver to allow the openings of the service bays to face public rights-of-way at 5650 West Sahara Avenue.
- 06/08/06 The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #17/erb).

***B) Pre-Application Meeting***

- 3/30/06 A pre-application meeting was held to discuss the submittal requirements for a Variance of sign height.

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

***D) Building Permit History***

A permit was issued for the existing 38-foot freestanding sign on 06/29/05. The L.E.D. portion of the sign is approximately 90 square feet. The sign meets the required 200-foot minimum distance separation distance requirement from residential property.

A permit was issued for a 10-foot, 35 square foot monument sign on 10/04/05. This sign also meets the required 200-foot minimum distance separation requirement from residential property.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 3.41 acres

***B) Existing Land Use***

Subject Property: Auto dealership  
North: Single family  
South: Commercial  
East: Auto dealership  
West: Auto dealership

***C) Planned Land Use***

Subject Property: G-C (General Commercial)  
North: DR (Desert Rural Density Residential)  
South: Clark County  
East: G-C (General Commercial)  
West: G-C (General Commercial)

***D) Existing Zoning***

Subject Property: C-2 (General Commercial)  
North: Clark County  
South: Clark County  
East: C-2 (General Commercial)  
West: C-1 (Limited Commercial)  
C-2 (General Commercial)

***E) General Plan Compliance***

The subject site is designated GC (General Commercial) on the Southwest Sector Map of the General Plan. This category allows retail, service, wholesale office and other general business uses of a more intense commercial character. It also allows service commercial uses and may also permit mixed-use development with a residential component where appropriate. The site is zoned C-2 (General Commercial), which is in compliance with the General Plan.

<b>SPECIAL DISTRICTS/ZONES</b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		X
<b>Special Overlay District</b>		X
<b>Trails</b>		X
<b>Rural Preservation Neighborhood</b>		X
<b>Development Impact Notification Assessment</b>		X
<b>Project of Regional Significance</b>		X

## **ANALYSIS**

### **A) Zoning Code Compliance**

#### **A1) Development Standards**

Pursuant to Title 19.14, the following Sign Standards apply to the subject proposal:

#### **Freestanding Signs:**

<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>
Maximum Number	1/200 lineal feet of street frontage or portion thereof Two (2) signs are allowed as this is a corner lot. The parcel is located at the northeast corner of Sahara Avenue and Westwind Road	1 / Street frontage (Sahara Avenue frontage is 285 feet) 1 total sign proposed
Maximum Area	2 SF of sign area/each lineal feet of street frontage Approx. 640 SF	388 SF
Maximum Height	40 Feet	55 Feet
Minimum Setback	5 Feet	5 Feet
Illumination	Illuminated	Illuminated

The proposed sign exceeds the maximum height allowed, which is 40 feet. The subject deviation will allow the proposed sign to exceed the maximum allowable height by 15 feet. The applicant is seeking a deviation of 27%.

### **B) General Analysis and Discussion**

The applicant is proposing to build a freestanding sign, which is 15 feet higher than the 40-foot maximum sign height allowed. The sign is setback five feet where five feet is allowed. In reviewing similar requests along West Sahara Avenue, from Decatur Boulevard to Jones Boulevard, there has only been one similar sign variance application, and that application was approved. The Planning Commission approved a Variance (VAR-8348) for a 55 foot sign where 40 feet is the maximum height allowed located at 5550 W. Sahara, Towbin

Hummer. This application is not a part of the current 55 foot freestanding sign application; however, it is adjacent to the subject parcel to the east. Development standards for signs are established in order to promote the goals of Title 19.

Included in those goals is the improvement of the quality, visibility, conspicuity and appearance of the City's thoroughfares and neighborhoods. The significant increase in sign height proposed by the applicant will result in a sign that is out of scale, not harmonious with the commercial development in which it is located and will contribute to the degradation of the Sahara Avenue commercial corridor. Alternative sign design can be used; therefore denial is recommended.

## FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to construct a 55-foot sign where only 40 feet is the maximum height allowed. Alternative sign design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

## NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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## ASSEMBLY DISTRICT 3

**SENATE DISTRICT** 11

**NOTICES MAILED** 106 by City Clerk

**APPROVALS** 0

**PROTESTS** 0